

AO 91 (Rev. 11/11) Criminal Complaint

<b>LODGED</b> CLERK, U.S. DISTRICT COURT  <b>04/27/2022</b> CENTRAL DISTRICT OF CALIFORNIA BY: _____ AP _____ DEPUTY
---

# UNITED STATES DISTRICT COURT

for the

Central District of California

<b>FILED</b> CLERK, U.S. DISTRICT COURT  <b>4/28/2022</b> CENTRAL DISTRICT OF CALIFORNIA BY: <u>D.C.</u> DEPUTY
--

UNITED STATES OF AMERICA,  
v.

MIGUEL LINCONA-HERNANDEZ,  
aka "Miguel Liconahernandez" and  
aka Miguel Licona-Hernandez,

Case No. 5:22-mj-00257

\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 9, 2022 in the county of San Bernardino in the  
Central District of California, the defendant(s) violated:

*Code Section*

8 U.S.C. §§ 1326(a) and (b)(2)

*Offense Description*

Alien Found in the United States Following  
Deportation or Removal

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

/s/ Pursuant to Fed. R. Crim. P. 4.1

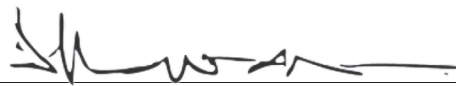
\_\_\_\_\_  
*Complainant's signature*

Deportation Officer Eilas Valdez

\_\_\_\_\_  
*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 4/28/2022



\_\_\_\_\_  
*Judge's signature*

City and state: Riverside, CA

Hon. Shashi H. Kewalramani, U.S. Magistrate Judge

\_\_\_\_\_  
*Printed name and title*

AUSA: Eli Alcaraz (951-276-6938)

**AFFIDAVIT**

I, ELIAS VALDEZ, being duly sworn, declare and state as follows:

**I. PURPOSE OF AFFIDAVIT**

1. This affidavit is made in support of an arrest warrant and criminal complaint charging MIGUEL LINCONA-HERNANDEZ, also known as "Miguel Liconahernandez" and "Miguel Liconahernandez" ("LINCONA-HERNANDEZ"), with a violation of Title 8, United States Code, Sections 1326(a) and (b)(2) (Alien Found in the United States Following Deportation or Removal).

2. The facts set forth in this affidavit are based on my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested arrest warrant and criminal complaint and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

**II. BACKGROUND ON AFFIANT**

3. I am a Deportation Officer with the United States Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), and I have been so employed since May 2011. I am currently assigned to the San Bernardino Office of Enforcement and Removal Operations. I have experience reviewing immigration files, deportation and removal

proceedings, and executed final orders of removal, among other immigration related documents, process, and proceedings.

**III. STATEMENT OF PROBABLE CAUSE**

4. On or about April 9, 2022, LINCONA-HERNANDEZ was arrested and fingerprinted by the Fontana Police Department, in San Bernardino County, California, which led to a match in an FBI database. Based on the facts surrounding his arrest, LINCONA-HERNANDEZ was charged with driving without a license, in violation of California Vehicle Code § 12500(a), and inflicting corporal injury on a spouse or cohabitant, in violation of California Penal Code § 273.5(a). LINCONA-HERNANDEZ was held in custody. On April 9, 2022, DHS, ICE, Pacific Enforcement Response Center ("PERC") was notified about LINCONA-HERNANDEZ, based on LINCONA-HERNANDEZ's fingerprints, that LINCONA-HERNANDEZ was present in the United States. Such identification showed that LINCONA-HERNANDEZ is a previously deported criminal alien. On or about April 11, 2022, when I reviewed the PERC database, I learned about this information.

5. Based on my training and experience, I know DHS maintains Alien Registration Files ("A-Files") which contain immigration records for aliens admitted to or found within the United States. Based on my experience reviewing A-Files, I know that they contain photographs, fingerprints, court records, and records of deportations or removals, among other things, concerning the alien for whom DHS maintains the A-File.

6. On or about April 14, 2022, I reviewed DHS A-File A205 117 082, which is maintained for the subject alien "Miguel

Lincona-Hernandez.” The A-File contained the following documents and information:

a. The fingerprints for “Miguel Lincona-Hernandez” with FBI Number 36VLJT5KM, which is associated with the alien and the fingerprints in DHS A-File A205 117 082.

b. A Removal Order showing that LINCONA-HERNANDEZ was ordered removed from the United States to Mexico on October 5, 2017.

c. An executed I-205 Warrant of Removal/Deportation showing that LINCONA-HERNANDEZ was officially removed and deported from the United States on October 25, 2017. I know from my training and experience that an I-205 Warrant of Removal/Deportation is executed each time a subject alien is removed and deported from the United States by ICE (and its predecessor agency, the Immigration and Naturalization Service) and usually contains the subject alien’s photograph, signature, and fingerprint. The executed I-205 Warrant of Removal/Deportation in DHS A-File A205 117 082 contains LINCONA-HERNANDEZ’s photograph, signature, and fingerprint.

d. A certified copy of a conviction record from the Superior Court of the State of California, County of San Bernardino, case number 16CR-049637, showing that LINCONA-HERNANDEZ was convicted on or about April 12, 2017, for Assault With Deadly Weapon, to wit, Handgun, in violation of California Penal Code § 245(a)(1), for which LINCONA-HERNANDEZ was sentenced to two year’s imprisonment.

e. Various documents, indicating that LINCONA-HERNANDEZ is a native and citizen of Mexico. These documents include the Record of Deportable/Inadmissible Alien, a September 19, 2017 Notice of Intent to Issue a Final Administrative Removal Order, and an October 5, 2017 Final Administrative Removal Order.

7. On or about April 14, 2022, I reviewed printouts from the Criminal Identification Index ("CII"). Based on my training and experience, I know that the CII databases track and record arrests and convictions of individuals according to an individual's CII number. The CII printouts confirmed that LINCONA-HERNANDEZ had been convicted of the crime described above and reflected in the documents contained in DHS A-File A205 117 082.

8. On or about April 14, 2022, I reviewed the printouts of ICE computer indices concerning LINCONA-HERNANDEZ. Based on my training and experience, I know that the ICE computer indices track and document each time an alien is deported from the United States by ICE, or is granted permission to enter or re-enter the United States. The ICE computer indices confirmed that LINCONA-HERNANDEZ had been deported on the date indicated on the Warrant of Removal/Deportation in DHS A-File A205 117 082. The ICE computer indices further indicated that LINCONA-HERNANDEZ had not applied for or obtained permission from the Attorney General or his designated successor, the Secretary of Homeland Security, to re-enter the United States legally since LINCONA-HERNANDEZ was deported.

9. Based on my review of LINCONA-HERNANDEZ's DHS A-File (A205 117 082), I have determined that his A-File does not contain any record of him ever applying for, or receiving permission from, the Attorney General or his designated successor, the Secretary of Homeland Security, to legally re-enter the United States. Based on my training and experience, I know that such documentation is required to re-enter the United States legally after deportation, and that if such documentation existed, it would ordinarily be found in the DHS A-File.

#### **IV. CONCLUSION**

10. Based on the foregoing, I submit that there is probable cause to believe that LINCONA-HERNANDEZ has violated Title 8, United States Code, Sections 1326(a) and (b)(2) (Alien Found in the United States Following Deportation or Removal).

Attested to by the applicant in  
accordance with the requirements  
of Fed. R. Crim. P. 4.1. by  
telephone on this 28th day of  
April, 2022.



---

UNITED STATES MAGISTRATE JUDGE